



PUBLIC NOTICE

Federal Communications Commission
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DA 04-404

February 18, 2004

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON BELL SOUTH'S PETITION FOR WAIVER

CC Docket Nos. 01-338, 96-98, 98-147

Comments Due: March 19, 2004

Reply Comments Due: April 5, 2004

On February 11, 2004, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for waiver,¹ pursuant to section 1.3 of the Commission's rules,² seeking a temporary waiver of its obligation to provide certain unbundled network elements (UNEs) under the Commission's commingling and service eligibility requirements, as set forth in the *Triennial Review Order*.³ Because the rules from which BellSouth seeks temporary waiver primarily affect enhanced extended loops (EELs) which are combinations of loop and interoffice transport elements, BellSouth asserts that this waiver is warranted until each relevant state commission completes its currently pending granular review of unbundled enterprise loops and transport.⁴ BellSouth claims that each of the states in its operating region have pending reviews of impairment for enterprise loops and transport which are expected to be completed by July 2, 2004 and which may conclude that BellSouth is not obligated to provide to competitors a substantial number of

¹ BellSouth Telecommunications, Inc., Petition for Waiver, CC Docket Nos. 01-338, 96-98, 98-147 (Feb. 11, 2004) (BellSouth Petition for Waiver).

² 47 C.F.R. § 1.3.

³ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978 (2003) (*Triennial Review Order*), corrected by Errata, 18 FCC Rcd 19020 (2003) (*Triennial Review Order Errata*), petitions for review pending, *United States Telecom Ass'n v. FCC*, D.C. Cir. No. 00-1012 (and consolidated cases).

⁴ BellSouth Petition for Waiver at 6.

loop and transport UNEs, thus limiting the number of EEL conversions.⁵ BellSouth claims that waiver relief is warranted to avoid inefficiencies of converting special access circuits to UNEs, only to have to convert them back to special access circuits if a state concludes there is no impairment for all or part of a circuit.⁶ Finally, BellSouth claims that the temporary waiver it seeks will avoid significant stranded capital resulting from certain commingled circuits that require additional equipment to delineate special access segments from UNE segments of multiple segment circuits.⁷

This Public Notice establishes certain procedural requirements relating to consideration of BellSouth's Petition for Waiver. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to Section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on SBC Connecticut's Emergency Request on or before **March 19, 2004** and reply comments on or before **April 5, 2004**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing

⁵ BellSouth Petition for Waiver at 3-4.

⁶ BellSouth Petition for Waiver at 4, 7.

⁷ BellSouth Petition for Waiver at 4-5, 7.

address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information regarding this proceeding, contact Ian Dillner, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail Ian.Dillner@fcc.gov.

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